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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,657	03/15/2001	Keith E. Finger	RD0530-ASGCO	4923

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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

SHARMA, RASHMI K

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 09/808,657	Applicant(s) Finger et al.	
Examiner Rashmi Sharma	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 21, 2003
- 2a) ☒ This action is **FINAL**. ~~2b) ☒ This action is non-final.~~
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10, and 12-89 is/are pending in the application.
- 4a) Of the above, claim(s) 39-89 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 10, 12-21, 23-25, and 29-34 is/are allowed.
- 6) ☒ Claim(s) 22, 26-28, and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 15, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner. OK
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8-11, 19 and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Swinderman et al. (U.S. patent number 4,925,434).

Swinderman et al. disclose a belt scraper comprising a blade (14) mounted on a blade holder (15), a mount (18,20 and/or 78) adapted to position the blade holder (15) transverse to a conventional conveyor belt (16), a tensioner (see figure 5) including an outer collar (64 or 74) fixed to the mount (78) and an inner collar (46 or 48) fixed to the blade holder (15), a torsion spring (58) coupled between the inner and outer collars for urging the blade towards the belt and where the tensioner includes a housing member (80) fixed with respect to the mount (20 or 78) and extending proximate the inner and outer collars and a clamp for releasably constraining the rotational position of the outer collar with respect to the housing member (please read column 4 lines 13-45). Where the mount includes a pair of spaced apart mounting plates (18,20 and/or 78) each having a hole therein where the blade holder shaft (15) is disposed in the holes of the mounting plates (18,20 and/or 78) and a bushing (34 or 42) in the hole the shaft (15) rotates. The

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belt scraper has a primary scraper position, a secondary scraper position and a diverting scraper position with respect to the belt.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims ~~2, 6, 7, 20~~, 22, 26-28 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinderman et al. U.S. Patent Number (4,925,434) in view of Rappen U.S. Patent Number (4,838,409).

Swinderman et al. as discussed above, fails to disclose a blade body having a plurality of pairs of parallel skirts defining a blade cavity, while the blade holder is disposed in the blade cavity with the skirts releasably engaging the blade holder, thereby limiting longitudinal movement of the blade with respect to the blade holder and where the blade, blade holder and tensioner is made of a material compatible with the sanitary processing of food and food products.

Rappen does indeed disclose a blade body having a pair of skirts (see figure 2) defining a blade cavity while the blade holder (2) is disposed in the blade cavity, thereby limiting the longitudinal movement of the blade with respect to the blade holder.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the pair of skirts utilized in Rappen's invention to the invention of Swinderman et al.'s in order to provide for more ease in adjusting the positioning of the scraper blade of Swinderman's invention. It would have been obvious to one having ordinary skill in the art to provide for a plurality of pairs of skirts in Swinderman's invention in order to more securely position the scraper blade. And finally, it would have been obvious to one having ordinary skill in the art to use a material that is compatible with the sanitary processing of food and food products for the blade, blade holder and tensioner in order to provide for greater utilization of the specific type of belt cleaner claimed in this application. Belt scrapers are well known in the art to clear out debris of all kinds within a conveyor system, whether it be for food products or materials being conveyed of any kind.

Allowable Subject Matter

- ✓ 5. Claims 2-8, 10, 12-21, 23-25 and 29-34 have been allowed.

Response to Arguments

6. Applicant's arguments filed 8/21/2003 have been fully considered but they are not persuasive. Claims 22, 26-28 and 35-38 are still rejected as stated above.

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Applicant is urged to contact the Examiner in order to discuss the claimed subject matter with regard to independent claim 22, as well as its dependent claims. Further discussion concerning this application is welcome.


Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Rashmi Sharma who can be reached at 703-306-5952 between the hours of 8:30 a.m. to 5:00 p.m. Monday through Friday.

Any general inquiry concerning the status of this application should be directed to the Group receptionist who can be reached at 703-308-1113.


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600